

sentiments of the mind, is a quality perfectly insensible, and even inconceivable; nor can we form any distinct notion, either of its stability or translation. This imperfection of our ideas is less sensibly felt with regard to its stability, as it engages less our attention, and is easily past over by the mind, without any scrupulous examination. But as the translation of property from one person to another is a more remarkable event, the defect of our ideas becomes more sensible on that occasion, and obliges us to turn ourselves on every side in search of some remedy. Now as nothing more enlivens any idea than a present impression, and a relation betwixt that impression and the idea; 'tis natural for us to seek some false light from this quarter. In order to aid the imagination in conceiving the transference of property, we take the sensible object, and actually transfer its possession to the person, on whom we wou'd bestow the property. The suppos'd resemblance of the actions, and the presence of this sensible delivery, deceive the mind, and make it fancy, that it conceives the mysterious transition of the property. And that this explication of the matter is just, appears hence, that men have invented a *symbolical* delivery, to satisfy the fancy, where the real one is impracticable. Thus the giving the keys of a granary is understood to be the delivery of the corn contain'd in it: The giving of stone and earth represents the delivery of a mannor. This is a kind of superstitious practice in civil laws, and in the laws of nature, resembling the *Roman Catholic* superstitions in religion. As the *Roman Catholics* represent the inconceivable mysteries of the *Christian* religion, and render them more present to the mind, by a taper, or habit, or grimace, which is suppos'd to resemble them; so lawyers and moralists have run into like inventions for the same reason, and have endeavour'd by those means to satisfy themselves concerning the transference of property by consent.

### Sect. 5. *Of the obligation of promises*

- 1 That the rule of morality, which enjoins the performance of promises, is not *natural*, will sufficiently appear from these two propositions, which I proceed to prove, viz. *that a promise wou'd not be intelligible, before human conventions had establish'd it; and that even if it were intelligible, it wou'd not be attended with any moral obligation.*
- 2 I say, *first*, that a promise is not intelligible naturally, nor antecedent to human conventions; and that a man, unacquainted with society, cou'd never enter into any engagements with another, even tho' they cou'd perceive each other's thoughts by intuition. If promises be natural and intelligible, there must be some act of the mind attending these words, *I promise*; and on this act of the mind must the obligation depend. Let us, therefore, run over all the faculties of the soul, and see which of them is exerted in our promises.
- 3 The act of the mind, exprest by a promise, is not a *resolution* to perform any thing: For that alone never imposes any obligation. Nor is it a *desire* of such a performance: For we may bind ourselves without such a desire, or even with an aversion, declar'd and avow'd. Neither is it the *willing* of that action, which we promise to perform: For a promise always regards some future time, and the will

has an influence only on present actions. It follows, therefore, that since the act of the mind, which enters into a promise, and produces its obligation, is neither the resolving, desiring, nor willing any particular performance, it must necessarily be the *willing* of that *obligation*, which arises from the promise. Nor is this only a conclusion of philosophy; but is entirely conformable to our common ways of thinking and of expressing ourselves, when we say that we are bound by our own consent, and that the obligation arises from our mere will and pleasure. The only question, then, is, whether there be not a manifest absurdity in supposing this act of the mind, and such an absurdity as no man cou'd fall into, whose ideas are not confounded by prejudice and the fallacious use of language?

SB 517

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4 All morality depends upon our sentiments; and when any action, or quality of the mind, pleases us *after a certain manner*, we say it is virtuous; and when the neglect, or non-performance of it, displeases us *after a like manner*, we say that we lie under an obligation to perform it. A change of the obligation supposes a change of the sentiment; and a creation of a new obligation supposes some new sentiment to arise. But 'tis certain we can naturally no more change our own sentiments, than the motions of the heavens; nor by a single act of our will, that is, by a promise, render any action agreeable or disagreeable, moral or immoral; which, without that act, wou'd have produc'd contrary impressions, or have been endow'd with different qualities. It wou'd be absurd, therefore, to will any new obligation, that is, any new sentiment of pain or pleasure; nor is it possible, that men cou'd naturally fall into so gross an absurdity. A promise, therefore, is *naturally* something altogether unintelligible, nor is there any act of the mind belonging to it.<sup>77</sup>

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5 But, *secondly*, if there was any act of the mind belonging to it, it cou'd not *naturally* produce any obligation. This appears evidently from the foregoing reasoning. A promise creates a new obligation. A new obligation supposes new

SB 518

<sup>77</sup> Were morality discoverable by reason, and not by sentiment, 'twou'd be still more evident, that promises cou'd make no alteration upon it. Morality is suppos'd to consist in relation. Every new imposition of morality, therefore, must arise from some new relation of objects; and consequently the will cou'd not produce *immediately* any change in morals, but cou'd have that effect only by producing a change upon the objects. But as the moral obligation of a promise is the pure effect of the will, without the least change in any part of the universe; it follows, that promises have no *natural* obligation.

SB 517

2 Shou'd it be said, that this act of the will being in effect a new object, produces new relations and new duties; I wou'd answer, that this is a pure sophism, which may be detected by a very moderate share of accuracy and exactness. To will a new obligation, is to will a new relation of objects; and therefore, if this new relation of objects were form'd by the volition itself, we shou'd in effect will the volition; which is plainly absurd and impossible. The will has here no object to which it cou'd tend; but must return upon itself *in infinitum*. The new obligation depends upon new relations. The new relations depend upon a new volition. The new volition has for its object a new obligation, and consequently new relations, and consequently a new volition; which volition again has in view a new obligation, relation, and volition, without any termination. 'Tis impossible, therefore, we cou'd ever will a new obligation; and consequently 'tis impossible the will cou'd ever accompany a promise, or produce a new obligation of morality.

SB 518

sentiments to arise. The will never creates new sentiments. There cou'd not naturally, therefore, arise any obligation from a promise, even supposing the mind cou'd fall into the absurdity of willing that obligation.

6 The same truth may be prov'd still more evidently by that reasoning, which prov'd justice in general to be an artificial virtue. No action can be requir'd of us as our duty, unless there be implanted in human nature some actuating passion or motive, capable of producing the action. This motive cannot be the sense of duty. A sense of duty supposes an antecedent obligation: And where an action is not requir'd by any natural passion, it cannot be requir'd by any natural obligation; since it may be omitted without proving any defect or imperfection in the mind and temper, and consequently without any vice. Now 'tis evident we have no motive leading us to the performance of promises, distinct from a sense of duty. If we thought, that promises had no moral obligation, we never shou'd feel any inclination to observe them. This is not the case with the natural virtues. Tho' there was no obligation to relieve the miserable, our humanity wou'd lead us to it; and when we omit that duty, the immorality of the omission arises from its being a proof, that we want the natural sentiments of humanity. A father knows it to be his duty to take care of his children: But he has also a natural inclination to it. And if no human creature had that inclination, no one cou'd lie under any such obligation. But as there is naturally no inclination to observe promises, distinct from a sense of their obligation; it follows, that fidelity is no natural virtue, and that promises have no force, antecedent to human conventions. 10

7 If any one dissent from this, he must give a regular proof of these two propositions, viz. *that there is a peculiar act of the mind, annex'd to promises; and that consequent to this act of the mind, there arises an inclination to perform, distinct from a sense of duty.* I presume, that it is impossible to prove either of these two points; and therefore I venture to conclude, that promises are human inventions, founded on the necessities and interests of society. SB 519

8 In order to discover these necessities and interests, we must consider the same qualities of human nature, which we have already found to give rise to the preceding laws of society. Men being naturally selfish, or endow'd only with a confin'd generosity, they are not easily induc'd to perform any action for the interest of strangers, except with a view to some reciprocal advantage, which they had no hope of obtaining but by such a performance. Now as it frequently happens, that these mutual performances cannot be finish'd at the same instant, 'tis necessary, that one party be contented to remain in uncertainty, and depend upon the gratitude of the other for a return of kindness. But so much corruption is there among men, that, generally speaking, this becomes but a slender security; and as the benefactor is here suppos'd to bestow his favours with a view to self-interest, this both takes off from the obligation, and sets an example of selfishness, which is the true mother of ingratitude. Were we, therefore, to follow the natural course of our passions and inclinations, we shou'd perform but few actions for the advantage of others, from disinterested views; because we are naturally very 30 40

limited in our kindness and affection: And we shou'd perform as few of that kind, out of a regard to interest; because we cannot depend upon their gratitude. Here then is the mutual commerce of good offices in a manner lost among mankind, and every one reduc'd to his own skill and industry for his well-being and subsistence. The invention of the law of nature, concerning the *stability* of possession, has already render'd men tolerable to each other; that of the *transference* of property and possession by consent has begun to render them mutually advantageous: But still these laws, however strictly observ'd, are not sufficient to render them so serviceable to each other, as by nature they are fitted to become. Tho' possession be *stable*, men may often reap but small advantage from it, while they are possess'd of a greater quantity of any species of goods than they have occasion for, and at the same time suffer by the want of others. The *transference* of property, which is the proper remedy for this inconvenience, cannot remedy it entirely; because it can only take place with regard to such objects as are *present* and *individual*, but not to such as are *absent* or *general*. One cannot transfer the property of a particular house, twenty leagues distant; because the consent cannot be attended with delivery, which is a requisite circumstance. Neither can one transfer the property of ten bushels of corn, or five hogsheads of wine, by the mere expression and consent; because these are only general terms, and have no direct relation to any particular heap of corn, or barrels of wine. Besides, the commerce of mankind is not confin'd to the barter of commodities, but may extend to services and actions, which we may exchange to our mutual interest and advantage. Your corn is ripe to-day; mine will be so to-morrow. 'Tis profitable for us both, that I shou'd labour with you to-day, and that you shou'd aid me to-morrow. I have no kindness for you, and know you have as little for me. I will not, therefore, take any pains upon your account; and shou'd I labour with you upon my own account, in expectation of a return, I know I shou'd be disappointed, and that I shou'd in vain depend upon your gratitude. Here then I leave you to labour alone: You treat me in the same manner. The seasons change; and both of us lose our harvests for want of mutual confidence and security.

SB 520

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SB 521

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- 9 All this is the effect of the natural and inherent principles and passions of human nature; and as these passions and principles are inalterable, it may be thought, that our conduct, which depends on them, must be so too, and that 'twou'd be in vain, either for moralists or politicians, to tamper with us, or attempt to change the usual course of our actions, with a view to public interest. And indeed, did the success of their designs depend upon their success in correcting the selfishness and ingratitude of men, they wou'd never make any progress, unless aided by omnipotence, which is alone able to new-mould the human mind, and change its character in such fundamental articles. All they can pretend to, is, to give a new direction to those natural passions, and teach us that we can better satisfy our appetites in an oblique and artificial manner, than by their headlong and impetuous motion. Hence I learn to do a service to another, without bearing him any real kindness; because I foresee, that he will return my service, in expectation of another of the same kind, and in order to

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maintain the same correspondence of good offices with me or with others. And accordingly, after I have serv'd him, and he is in possession of the advantage arising from my action, he is induc'd to perform his part, as foreseeing the consequences of his refusal.

- 10 But tho' this self-interested commerce of men begins to take place, and to pre-  
dominate in society, it does not entirely abolish the more generous and noble  
intercourse of friendship and good offices. I may still do services to such persons  
as I love, and am more particularly acquainted with, without any prospect of  
advantage; and they may make me a return in the same manner, without any view  
but that of recompensing my past services. In order, therefore, to distinguish 10  
those two different sorts of commerce, the interested and the disinterested, *SB 522*  
there is a *certain form of words* invented for the former, by which we bind our-  
selves to the performance of any action. This form of words constitutes what we  
call a *promise*, which is the sanction of the interested commerce of mankind.  
When a man says *he promises any thing*, he in effect expresses a *resolution* of per-  
forming it; and along with that, by making use of this *form of words*, subjects  
himself to the penalty of never being trusted again in case of failure. A resolu-  
tion is the natural act of the mind, which promises express: But were there no  
more than a resolution in the case, promises wou'd only declare our former  
motives, and wou'd not create any new motive or obligation. They are the con- 20  
ventions of men, which create a new motive, when experience has taught us, that  
human affairs wou'd be conducted much more for mutual advantage, were there  
certain *symbols* or *signs* instituted, by which we might give each other security of  
our conduct in any particular incident. After these signs are instituted, whoever  
uses them is immediately bound by his interest to execute his engagements,  
and must never expect to be trusted any more, if he refuse to perform what he  
promis'd.
- 11 Nor is that knowledge, which is requisite to make mankind sensible of this  
interest in the *institution* and *observance* of promises, to be esteem'd superior to  
the capacity of human nature, however savage and uncultivated. There needs 30  
but a very little practice of the world, to make us perceive all these consequences  
and advantages. The shortest experience of society discovers them to every  
mortal; and when each individual perceives the same sense of interest in all his  
fellows, he immediately performs his part of any contract, as being assur'd, that  
they will not be wanting in theirs. All of them, by concert, enter into a scheme of  
actions, calculated for common benefit, and agree to be true to their word; nor is  
there any thing requisite to form this concert or convention, but that every one  
have a sense of interest in the faithful fulfilling of engagements, and express that  
sense to other members of the society. This immediately causes that interest to *SB 523*  
operate upon them; and interest is the *first* obligation to the performance of 40  
promises.
- 12 Afterwards a sentiment of morals concurs with interest, and becomes a new  
obligation upon mankind. This sentiment of morality, in the performance of  
promises, arises from the same principles as that in the abstinence from the  
property of others. *Public interest, education, and the artifices of politicians*, have

the same effect in both cases. The difficulties, that occur to us, in supposing a moral obligation to attend promises, we either surmount or elude. For instance; the expression of a resolution is not commonly suppos'd to be obligatory; and we cannot readily conceive how the making use of a certain form of words shou'd be able to cause any material difference. Here, therefore, we *feign* a new act of the mind, which we call the *willing* an obligation; and on this we suppose the morality to depend. But we have prov'd already, that there is no such act of the mind, and consequently that promises impose no natural obligation.

- 13 To confirm this, we may subjoin some other reflections concerning that will, which is suppos'd to enter into a promise, and to cause its obligation. 'Tis evident, that the will alone is never suppos'd to cause the obligation, but must be express'd by words or signs, in order to impose a tie upon any man. The expression being once brought in as subservient to the will, soon becomes the principal part of the promise; nor will a man be less bound by his word, tho' he secretly give a different direction to his intention, and withhold himself both from a resolution, and from willing an obligation. But tho' the expression makes on most occasions the whole of the promise, yet it does not always so; and one, who shou'd make use of any expression, of which he knows not the meaning, and which he uses without any intention of binding himself, wou'd not certainly be bound by it. Nay, tho' he knows its meaning, yet if he uses it in jest only, and with such signs as show evidently he has no serious intention of binding himself, he wou'd not lie under any obligation of performance; but 'tis necessary, that the words be a perfect expression of the will, without any contrary signs. Nay, even this we must not carry so far as to imagine, that one, whom, by our quickness of understanding, we conjecture, from certain signs, to have an intention of deceiving us, is not bound by his expression or verbal promise, if we accept of it; but must limit this conclusion to those cases, where the signs are of a different kind from those of deceit. All these contradictions are easily accounted for, if the obligation of promises be merely a human invention for the convenience of society; but will never be explain'd, if it be something *real* and *natural*, arising from any action of the mind or body.

- 14 I shall farther observe, that since every new promise imposes a new obligation of morality on the person who promises, and since this new obligation arises from his will; 'tis one of the most mysterious and incomprehensible operations that can possibly be imagin'd, and may even be compar'd to *transubstantiation*, or *holy orders*,<sup>78</sup> where a certain form of words, along with a certain intention, changes entirely the nature of an external object, and even of a human creature. But tho' these mysteries be so far alike, 'tis very remarkable, that they differ widely in other particulars, and that this difference may be regarded as a strong proof of the difference of their origins. As the obligation of promises is an invention for the interest of society, 'tis warp'd into as many different forms as that interest requires, and even runs into direct contradictions, rather than

<sup>78</sup> I mean so far, as holy orders are suppos'd to produce the *indelible character*. In other respects they are only a legal qualification.